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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,428	03/29/2004	Erkin Abdullayev		9780

7590 11/02/2006
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EXAMINER

LARYEA, LAWRENCE N

ART UNIT PAPER NUMBER

3735

DATE MAILED: 11/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,428

Applicant(s)

ABDULLAYEV ET AL.

Examiner

Lawrence N. Laryea

Art Unit

3735

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claim 1-12 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 1 (b), line 2 recites the limitation "said diffused light " There is insufficient antecedent basis for this limitation in the claim.
4. Claim 2 at line 2 recites the limitation "the light emitting point." There is insufficient antecedent basis for this limitation in the claim.
5. Claim 8 (b) line 2 recites the limitation "said diffused light " There is insufficient antecedent basis for this limitation in the claim.
6. Claim 8 recites the limitation "the light emitting point." There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Schneider et al (Patent 5652640)** in view of **Dianetti et al (Patent 3842254)** and further in view of **Van Saarloos et al (Pub.20060139944)**.

9. **Schneider et al** disclose an improved apparatus for viewing donor corneas comprising a means for holding a cornea (**See Fig 4, cornea holder 48 and Fig 11, cornea holder 124**) viewing means capable of receiving the view of the cornea from the posterior side of said cornea (**See Col. 12, line 39-55 and also Col. 7, line 14-20, microscope as viewing means**) and plurality of light sources (**See Col. 7, line 35-36 and a projector 22**) are positioned (**different angle**) at front and back side of the cornea (**36 and 190**) but does not expressly disclose that the light sources are positioned at different angles where the light from the light sources is diffused and where there is a filter between the light source and the cornea.

10. **Dianetti et al** disclose a cornea examining device where the light from the light source is diffused and there is a filter 102, a diffuser 92 and also reflective surfaces (**Col. 4, line 35-37**) between the light source and the cornea (**See Abstract, and Col. 6, line 63-67**).

11. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the light sources of **Schneider et al** similar to that of **Dianetti et al** where the lights from light sources are diffused and there is a filter between the light source and the cornea in order to avoid direct light entering into the cornea and also to allow the desired light to pass through the filter while blocking all the undesired light from the cornea as taught by **Dianetti et al (See Col.6, line 47-68)**.

12. **Van Saarloos et al** disclose a cornea examining device where light sources (5) are positioned at different angles to view different parts of the cornea (**See Fig 1 and Paragraph 0041**).

13. It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the light sources of **Schneider et al** in view of **Dianetti et al** similar to that of **Van Saarloos et al** where the light sources are positioned at different angles in order to view different angles of cornea during examination of the cornea as taught by **Van Saarloos et al**.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Sigelman (Patent 4538888) disclose an eye examining device for viewing the full field of cornea.

Krumeich et al (Patent 4865033) disclose a cornea holding means for holding the cornea during examinations.

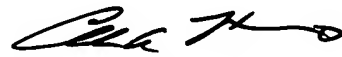
Bergner et al (Patent 5914770) disclose an eye examining device where slit lamp, stereo microscope, video camera and monitor are used during an eye examinations.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lawrence N. Laryea whose telephone number is 571-272-9060. The examiner can normally be reached on 8:30 a.m.-5:30 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles Marmor II can be reached on 571-272-4730. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LNL


Charles A Marmor II
SPE, Art Unit 3735